

**From:** Katrina Illari  
**To:** Microsoft ATR  
**Date:** 1/26/02 7:55pm  
**Subject:** Comments on the Microsoft settlement

Dear Renata Hesse:

I am a concerned computer programmer and user. I use Microsoft Windows as well as Linux at home. For the past few years I have been disgusted to see the increasing number of anticompetitive actions that Microsoft has been able to get away with. The court case seemed to provide a possibility for restoring a competitive market in the computer software business. Microsoft was convicted with anticompetitive behavior. However, the settlement that was agreed upon does not seem to be in the best interests of the consumers.

Some points of concern are:

1) the punishment if further anticompetitive actions are taken by Microsoft. That is that 2 years will be added to the period that they are to be closely watched. I did not see any actual enforcement of the restrictions placed on Microsoft. Just that a board of people would be assigned to watch if they break any of the restrictions and if so, then they will be restricted for another 2 years. Does this provide an automatic solution to any court case filed against Microsoft in the next 5 years? That is will the solution will be that the restrictions will just be extended for another 2 years? This almost seems to be in Microsoft's favor... No enforcement and if they break the rules then the rules will be imposed (with out enforcement) for another two years.

2) The security exemption: Will this provide a hole for Microsoft? For example, will Microsoft just add access control to many of its API and then not publish them, using the security exemption as cover?

3) Will Microsoft simply patent a lot of its interfaces/protocols and then charge companies licensing fees in order to get the information about the API/protocol. I do not see anything in this settlement that would stop them from doing so. As evidence, they already patented the next version of the SMB protocol. This is a protocol which allows you to share drives/files between computers. SAMBA, a

popular file server software uses this protocol to share drives between Unix and Windows machines. Once Windows only supports the new protocol, it will once again be impossible to share drives between Windows and Unix systems. As I see it this is simply an extension to the older protocol not something that it would be strategic to have a patent on except if one wanted to eliminate the ability for a Unix machine to share drives with a Windows machine. Surely this is an anticompetitive action against SAMBA.

4) The fact that Microsoft is allowed to include non operating system applications as part of the operating system is not beneficial to consumers. This gives an advantage to Microsoft in marketing of the applications that they include in the operating system. They have a strangle hold on the browser market because of this and in Windows XP, they are trying this with multimedia applications.

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